

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:
Lori Jo Lehman et al.

Serial No.: 09/966,982

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES
FOR CONTROLLING PLANT DISEASES

Assignee: AgraQuest, Inc.

Examiner: To Be Assigned

Group Art Unit: 1651

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APR 17 2002
OFFICE OF PETITIONS

Commissioner for Patents
Washington, D.C. 20231

**STATEMENT OF FACTS BY CONNIE TOMLINSON REGARDING A
NONSIGNING INVENTOR PURSUANT TO 37 C.F.R. § 1.47**

Dear Sir:

I, Connie Tomlinson, have set forth below a Statement of Facts concerning Randy McCoy's refusal to sign a declaration for the above referenced application.

Statement of Facts

1. I am the Executive Assistant to Pamela Marrone Ph.D., President and Chief Operating Officer of AgraQuest, Inc. ("AgraQuest") located at 1530 Drew Avenue Davis, CA 95616. I have worked at AgraQuest since November of 1998.

2. Randy McCoy was employed at AgraQuest until February 8, 2001. After February 8, 2001, declarations and assignments requiring Dr. McCoy's signature were forwarded by me to either his home address or new place of employment.

3. As I am a Notary Public, Randy McCoy asked me to witness and notarize his signature on an assignment in another AgraQuest application on which he is listed as an inventor. At that time, Randy McCoy communicated to me that he no longer wished to be bothered signing any additional patent documents for AgraQuest for any other cases. My conversation, with Randy McCoy occurred on November 7, 2001. The date of my conversation with Randy McCoy, is evidenced by the November 7th, 2001 entry in my Journal of Notarial Acts (copy attached as Exhibit A).

4. This statement is being made based on my first-hand knowledge of the facts recited therein.

5. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 3, 2002

By: Connie Tomlinson
Connie Tomlinson